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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

DOCKETED

APR 30 2007

DOCKETED BY

MW

COMMISSIONERS

MIKE GLEASON, Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
KRISTIN K. MAYES
GARY PIERCE

2007 APR 30 P 4: 48

AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF THE APPLICATION OF
HASSAYAMPA UTILITIES COMPANY, INC.
FOR A CERTIFICATE OF CONVENIENCE
AND NECESSITY.

Docket No. SW-20422A-05-0659

**MOTION FOR EXTENSION
OF TIME**

Hassayampa Utility Company, Inc. ("HUC") received its Certificate of Convenience and Necessity from the Commission in Decision No. 68922 (August 29, 2006). The Certificate involves the Hassayampa Ranch development, which is being developed by Hassayampa Ranch Ventures, LLC. The decision requires HUC to file the following items:

- (1) A Maricopa County Association of Governments ("MAG") 208 Plan Amendment to provide wastewater service to our Hassayampa Ranch development. (Due April 30, 2007);
- (2) Approval to Construct ("ATC") from the Maricopa County Environmental Services Department ("MCESD"). (Due July 31, 2007);
- (3) Approval of Construction ("AOC") from MCESD. (Due April 30, 2008); and
- (4) Aquifer Protection Permit ("APP") and / or Arizona Pollutant Discharge Elimination System ("AZPDES") permit from the Arizona Department of Environmental Quality ("ADEQ"). (Due April 20, 2008)

The ATC, AOC and APP cannot be issued until the 208 plan amendment is approved. HUC has encountered unexpected delay in obtaining the 208 plan amendment, and therefore requests that all four deadlines be extended by one year each.

Because the property is located in unincorporated Maricopa County, MCESD must sponsor the 208 to MAG before MAG will further consider it. The sponsor typically must also request a

1 "letter of no objection" from any municipality within three miles of the proposed 208 service area.
2 For Hassayampa Ranch, this request was made to the Town of Buckeye.

3 MCESD, Hassayampa Ranch Ventures, L.L.C., and HUC attempted repeatedly to obtain a
4 no objection letter from the Town of Buckeye. But Buckeye refused to issue such a letter and
5 ultimately issued an objection letter late last summer. This objection was based on Hassayampa
6 Ranch's decision to not be annexed into the Town.

7 At that time, MCESD was not ready to sponsor the original HUC MAG 208 Plan
8 Amendment (dated September 30, 2005) without Buckeye's support. HUC was coincidentally in a
9 position to expand and regionalize their 208 Plan Amendment to include Belmont and 339th
10 Avenue developments. With MCESD's input, HUC submitted a new 208 Plan Amendment in
11 October 2006, which consolidated HUC's Hassayampa Ranch service area with these other
12 developments into the HUC Northeast 208 Plant Amendment (HUC NE 208). As of February 27,
13 2007, HUC has MCESD sponsorship, despite Buckeye's repeated objections, of the HUC NE 208.
14 A copy of the MCESD sponsorship letter is attached as Exhibit A. HUC is now working with
15 MAG to prepare a final draft version to be brought to the public and MAG committees. A copy of
16 HUC's Revised March 2007, Section 208 plan amendment application is being provided directly
17 to Staff's engineering section for their review.

18 HUC anticipates obtaining local approval with MAG by September 2007. Then, HUC
19 hopes to have ADEQ certification by October 2007. The HUC NE 208 would then be sent to EPA,
20 which has 120 days to review. If these milestones are achieved, the HUC NE 208 will be fully
21 approved in February 2008. Once the 208 is obtained, the ATC, AOC and APPs can be processed
22 which can take 12-15 months. Accordingly, HUC requests that the Commission grant the
23 following extensions:

Item	Proposed Due Date
(1) MAG 208	April 30, 2008
(2) ATC	July 31, 2008
(3) AOC	April 30, 2009

ROSHKA DEWULF & PATTEN, PLC
ONE ARIZONA CENTER
400 EAST VAN BUREN STREET - SUITE 800
PHOENIX, ARIZONA 85004
TELEPHONE NO 602-256-6100
FACSIMILE 602-256-6800

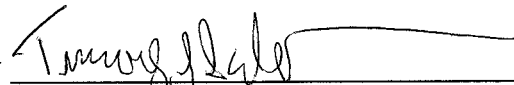
(4) APP and / or AZPDES

April 30, 2009

RESPECTFULLY SUBMITTED this 30th day of April 2007.

ROSHKA DEWULF & PATTEN, PLC

By



Michael W. Patten

Timothy J. Sabo

One Arizona Center

400 East Van Buren Street, Suite 800

Phoenix, Arizona 85004

Original + 13 copies of the foregoing
filed this 30th day of April 2007, with:

Docket Control

ARIZONA CORPORATION COMMISSION

1200 West Washington

Phoenix, Arizona 85007

Copies of the foregoing hand-delivered/mailed
this 30th day of April 2007, to:

Lyn A. Farmer, Esq.

Chief Administrative Law Judge

Hearing Division

Arizona Corporation Commission

1200 West Washington

Phoenix, Arizona 85007

Christopher C. Kempley, Esq.

Chief Counsel, Legal Division

Arizona Corporation Commission

1200 West Washington

Phoenix, Arizona 85007

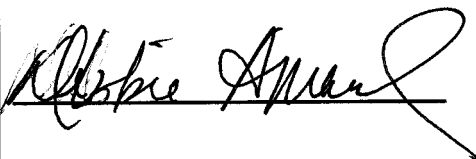
Ernest G. Johnson, Esq.

Director, Utilities Division

Arizona Corporation Commission

1200 West Washington

Phoenix, Arizona 85007





Maricopa County

Environmental Services Department
Water and Waste Management Division

1001 N Central Ave, Suite 150
Phoenix, Arizona 85004
Phone: (602) 506-6666
Fax: (602) 506-6925
TDD: (602) 506-6704
www.maricopa.gov/envsvc

February 27, 2007

Maricopa Association of Governments
302 North 1st Avenue, Suite 300
Phoenix, AZ 85003

Attention: Ms. Lindy Bauer, Environmental Director

Re: Global Water Resources, HUC Northeast Service Area
Clean Water Act, MAG 208 Amendment

Dear Ms. Bauer:

In a letter dated February 22, 2007, Global Water submitted revisions to its *208 Water Quality Management Plan Amendment Application, HUC Northeast Service Area*, prepared by DSWA, October 2006, to Maricopa County Environmental Services Department (Department). The application proposes four water reclamation facilities (WRF) to serve a 65.6-square mile service area that includes the Belmont, Hassayampa Ranch, 339th Avenue Project, and other developments that extend from the CAP canal southward to Salome Highway and from the Hassayampa River westward to Wintersburg Road. The four WRF are:

WRF No.	Location	Approximate WRF Size (acres)	Ultimate Capacity (MGD) ¹	Starting Year ¹
1	North of Indian School Rd., east of 331 st Ave. SEC 22, T2N, R5W	19.75 with 10.1 optional acres	3.0 (10.0 with the optional acres)	2008
2	North of Buckeye Rd., west of 339 th Ave. SEC 8, T1N, R5W	29.3	10.0	2008
3	North of Thomas Rd., east of 355 th Ave. SEC 30, T2N, R6W	24.0	12.0	2012
4	North of Camelback Rd., west of 363 rd Ave. SEC 14, T2N, R6W	31.2	14.0	2015

¹ WRF 3 & 4 may initially be constructed as lift stations that convey flow to WRF's that are underutilized

In accordance with the MAG Water Quality Management Plan, Section 4.4 (MAG 208 Amendment Process), this document was submitted to the Department for review and sponsorship, since the facility is located within an unincorporated area of Maricopa County, outside of any municipal planning area.

Based on a review of the proposed MAG 208 Amendment, the Department has determined that the proposed MAG 208 Amendment is acceptable and complies with the MAG 208 Areawide Water Quality Management Plan. The proposed WRF do not conflict with Maricopa County plans for the area.

1001 N Central Ave, Suite 150
Phoenix, Arizona 85004
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February 27, 2007

Global Water Resources, HUC Northeast Service Area

2

The facilities are located within three miles of the Town of Buckeye municipal planning area. The Town has provided a letter to the Department (attached), dated February 15, 2007, stating that the Town objects to the Global Water MAG 208 Amendment application due to significant concerns.

The HUC Northeast Service Area is located within the Lower Hassayampa Sub-basin aquifer. The *Lower Hassayampa Sub-basin Hydrologic Study and Computer Model*, (Brown and Caldwell, November 15, 2006) predicts that groundwater levels in the sub-basin will be significantly impacted unless all approved, committed, and pending developments recharge effluent equal to at least 30% of their total water use. The HUC application states that reclaimed water will be used as the primary source of irrigation water and for use in any recreational impoundments. It does not identify the percentage of reclaimed water that will be recharged.

Please note that the Department has not reviewed, nor approved, the design of the facilities as part of the 208 review. Any technical issues that remain will need to be resolved during the design phase of the project. Approval to Construct (ATC) and Approval of Construction (AOC) must be obtained from this Department prior to start of construction and startup, respectively, of all treatment, discharge, recharge, and reuse facilities, including all conveyance facilities and final end user facilities.

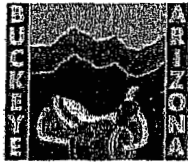
If you have any questions or comments, please contact me at 506-6667.

Sincerely,



Kevin Chadwick, P.E.
Manager, Water and Waste Management Division

cc: John Power, P.E., Director, Environmental Services Department
Dale G. Bodiya, P.E., Manager, Treatment Plant Program
Christine Close, P.E., Damon S. Williams, Associates
Robin Bain, P.E., Manager, Permits, Global Water Resources
David Wilcox, Town Manager, Town of Buckeye
Utilities Division - Engineering Section, Arizona Corporation Commission
File



Town of Buckeye

100 North Apache Road, Buckeye, AZ 85326

February 15, 2007

Mr. Kenneth James, P.E., Senior Civil Engineer
Maricopa County Environmental Services Department
1001 N. Central Avenue, Suite #150
Phoenix, AZ 85004

**RE: Hassayampa Utility Company (Global Water) Northeast Service Area
Application for Amendment to MAG 208 Water Quality Management Plan
(Damon S. Williams Associates, October 9, 2006).**

Dear Mr. James:

The Town of Buckeye (the Town) has reviewed the referenced application for a Clean Water Act Section 208 Amendment. The application seeks approval of a service area for the Belmont and Hassayampa Ranch developments and sets forth Global Water's plans for water and wastewater. The Town has significant concerns that are summarized herein and, as a result, the Town objects to the application submitted by Global Water.

Since the initial application by Global Water, an extensive hydrologic study of the Lower Hassayampa Sub-Basin (Brown and Caldwell, November 15, 2006) has been completed. The study demonstrates the critical need for the water resources of the area to be managed on a regional scale to ensure that sustainable water supplies are available to all planned future developments in the Lower Hassayampa Sub-basin and the contiguous areas of the West Salt River Valley Sub-basin.

The Town is concerned that decisions made by Global Water to benefit one portion of the Lower Hassayampa Sub-basin (the Belmont and Hassayampa Ranch developments) may have negative consequences affecting water supplies in other areas of the Sub-basin.

Additionally, the Town is concerned that Global Water's priority is to sell the reclaimed water for profit rather than a priority of requiring recharge in critical areas. Global Water's application checklist states that "a reclaimed water distribution system is planned to return reclaimed water to the development projects for use in recreational lakes and landscape irrigation." The checklist also states that "class A+ reclaimed water is distributed and sold to its many users who in turn compensate the Company for its treatment and delivery costs in accordance with tariff rates promulgated by the [Arizona Corporation Commission]." The Belmont development's Application for an Analysis of

an Assured Water Supply submitted to the Arizona Department of Water Resources indicated that effluent will be used directly on golf courses (six golf courses are planned for the Belmont development) and the Application did not indicate that effluent would be recharged and recovered by pumping for future water supplies. Groundwater recharge (not just reuse) is a priority of the Town, which is evidenced by an ordinance passed by the Town on November 7, 2006 that requires reuse and recharge of reclaimed water. The ordinance applies to all lands within the corporate limits and planning area of the Town. On the other hand, Global Water's application indicates that "reclaimed water in excess of reuse demand can be recharged..." and the application adds that "seasonally, as directed by demand, excess reclaimed water will be recharged to the aquifer under an [aquifer protection permit] and will be stored for credit via an Underground Storage Facility (USF) permit. As a last resort, reclaimed water may be discharged to ephemeral washes." The Town has concerns that excess reclaimed water may only be available during cool, wet weather and that recharge will infrequently be conducted by Global Water. Furthermore, the Town feels that discharge to washes would not be necessary as a last resort, if adequate recharge facilities were planned.

Finally, the recharge facilities proposed by Global Water are all located at the proposed water reclamation facilities, which are in the southern one-half of the Belmont and Hassayampa Ranch development area and not in the northern portion of the area where recharge will be most needed. The Belmont development area will be one of the first areas in the Sub-basin to experience an excessive groundwater level decline (due to shallow bedrock and a limited aquifer thickness), if recharge is not conducted in the critical areas.

For all of the foregoing reasons, the Town urges the denial of Global Water's referenced application.

If you have any questions or comments, please contact Ron Whitler, R.G. at (623) 349-6822.

Sincerely,



David W. Wilcox
Town Manager

cc: Julie Hoffman, Maricopa Association of Governments
Trevor Hill, Global Water Resources
Sheila Schmidt, Gust Rosenfeld
Town Council